

REMARKS/ARGUMENTS

Claims 1, 8, and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (US 5897007) in view of McCoy (US 5456090). Claims 2-7 and 9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. in view of McCoy and Vyborny (GB 1279226). Claim 1 has been amended so as to better describe the novel features in the present invention.

Applicant's Invention

The instant invention relates to a two-container beverage bottle comprising an outer container for holding a first liquid and an inner container within the outer container for holding a second liquid such that the first and second liquids are kept separate until they are poured or dispensed from the bottle, the bottle characterized in that the inner container is twisted along its length and includes an inner surface that is substantially helical in a configuration adapted to allow simultaneous pouring or dispensing of the two liquids.

The Prior Art Does Not Support

Claim 1 Rejection under 35 USC 103:

Claim 1 has been amended so as to distinctly claim the subject matter of the invention by reciting that in the two-container bottle the inner container is twisted along its length and includes an inner surface that is substantially helical in a configuration adapted to allow simultaneous dispensing of the two liquids.

The amendment to Claim 1 is fully supported by the Specification which discloses, Page 2, lines 16-18, that the inner container is twisted along its length and includes an inner surface that is substantially helical and Page 4, lines 16-18, that the two liquids are dispensed simultaneously.

Schein et al disclose a two-container nursing bottle but there is no suggestion that

the inner container has a twisted configuration.

In the two-container McCoy bottle, the inner container remains sealed and its contents are not dispensed while the bottle dispenses the beverage contained in the outer container. FIG. 7 in McCoy discloses that the inner container may be a "curved insert tube" (Column 3, lines 41-43) that is displaced from the axis of the two-container assembly so as to allow a center hole within the assembly to be used for grasping the bottle. The inner container is made to narrow as it curves so as to be able to fit in the restricted space on the side of the bottle away from the axis. There is no suggestion in McCoy that the inner container have a helical shape. In fact, McCoy teaches away from a helical shape for the inner container because a helical inner container would occupy too much room and not allow for a center hole.

In light of the foregoing, neither Schein nor McCoy, separately or together, anticipate or suggest the invention as now claimed. Withdrawal of the Sec. 103(a) rejection and allowance of claims 1, 8, and 10 is respectfully suggested.

The foregoing arguments apply to the rejection of claims 2-7 and 9 under 35 U.S.C. 103(a) as being unpatentable over Schein et al. in view of McCoy and Vyborny (GB 1279226). Vyborny (GB 1279226) provides for an upper support and a lower support to stabilize an inner container but Vyborny does not suggest a twisted or helical structure for the inner container in its two-container bottle. Thus neither Schein et al. nor McCoy nor Vyborny, separately or together, anticipate or suggest the invention as now claimed. Withdrawal of the Sec. 103(a) rejection and allowance of claims 2-7 and 9 is respectfully suggested.

An earnest attempt has been made hereby to respond to the Office Action mailed September 28, 2006. No new matter has been added.

In Re Singh (10/531,087)

Response to Office Action mailed September 28, 2006

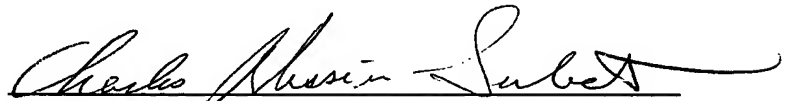
Page 8

Accordingly, Applicant respectfully requests that the Examiner issue a Notice of Allowance in this application. If the Examiner disagrees or has any questions regarding this submission, Applicant requests that the Examiner contact the undersigned at the number below.

Dated: January 25, 2007

Respectfully submitted,

CHERSKOV & FLAYNIK

A handwritten signature in cursive script, appearing to read "Charles Nissim-Sabat", written over a horizontal line.

Charles Nissim-Sabat, Reg. No. 42,037